

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Bennett M. Richard, et al.	§	Examiner:	Jermie E. Cozart
		§		
Serial No.:	10/695,205	§	Group Art Unit:	3672
		§		
Filing Date:	October 28, 2003	§	Docket No.	D5407-216
		§		
Title:	Downhole Screen	§		
	Manufacturing Method	§		

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Commissioner for Patents  
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**APPELLANT'S REPLY BRIEF**

**I. Status of the Claims**

Claims 1, 2, 4-7, 9 and 12-14 are finally rejected and are the subject of this appeal.

Claims 10, 11 and 15-17 are allowed.

Claim 3 and 8 are canceled.

**II.     Grounds for Rejection to be Reviewed on Appeal**

1.     Are claims 1, 2, 4, and 6-8 anticipated under §102 by Echols USP 6,941,652?
2.     Are claims 12-14 obvious under §103 in view of Echols USP 6,941,652?

### **III. Argument**

Again reinforcing the Appellants' original contention that this is a simple case, the Examiner's answer brings up only two simple points that can be briefly summarized as follows:

- 1) The Examiner's contention that Echols is silent on how the filter assembly is secured to the base pipe allowing him to assume that it could be done by the expansion recited to only occur downhole; and
- 2) The Examiner's contentions that claim 1 is so broad and that the recited steps can be found in the Echols reference and the preamble can be disregarded as a statement of intended use and the recited steps do not depend on the preamble for completeness because the steps are able to stand alone.

Both these contentions are respectfully traversed.

As to the Examiner's main point, some progress has been made as the Examiner now admits that the Echols reference only teaches expansion downhole. However, the Examiner is still selectively reading this reference by still focusing on the top of column 5 where the expansion downhole that occurs after fabrication takes place. Where he needs to be looking is column 6 where the fabrication technique is described.

First of all the filter media 40 and the shroud 42 are placed on each other and rolled into a tube. The edges of the shroud and the filter are seam welded 56 into a tube shape (column 6 lines 27-33). Next the base pipe 38 is slipped into the tube just formed with welding so that the filter media 40 is between the base pipe 38 and the shroud 42 (column 6 lines 34-38). Finally, the assembly is finished by anchoring the media lined shroud to the base pipe with welds 58 as shown in FIG. 5 extending around the opposite

ends of shroud 42. FIG. 5 is illustrated below to show the wrap around end welds 58 on either end of the shroud 42 that already had the screen 40 welded to it earlier in the assembly method.

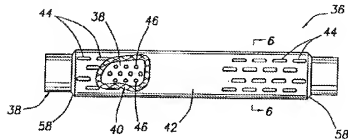


FIG.5

It is hard to fathom how the Examiner could contend that Echols is silent on how the filter assembly is attached to the base pipe when column 6 and FIG. 5 make it crystal clear that it is by welding. Expansion referred to in column 5 is after the assembly is over and the finished product is in a string and run into position in the wellbore. If there was no attachment of the screen assembly to the base pipe before running in the hole what would happen is that the screen assembly would shift and not cover the holes in the base pipe because of the running in. Then, when the pipe would be expanded, the filter assembly would be inoperative because the holes in the base pipe would be exposed and not covered by the shifted screen. Clearly, the order of events is to weld the shroud 42 to the base pipe 38 before run in and expand when positioned downhole. There is no securing the filter layer to the base pipe by expanding in Echols as stated in claim 1. Echols clearly welds. Echols' specification refers to expansion and if expansion played any part in filter assembly it is clear that Echols could have made another mention of a concept already recited in his specification. There was no need as he preferred to weld.

Even without the issue relating to the preamble, to be discussed below, the steps of the method are simply undisclosed in this reference and claim 1 is not anticipated.

The second point made by the Examiner is that the preamble is just a statement of intended use and can be disregarded. He further contends that the method is independent of the preamble and the steps are found in Echols. The latter issue was discussed above. The two method steps are not found in Echols.

The preamble in claim 1 has two parts. It does recite the intended use with the phrase “for downhole use.” There is more to the preamble that the Examiner ignores. It also says “A method of manufacturing a screen.” There are no recited steps in the method of claim 1 that have anything to do with actually running the screen in the hole. The preamble clearly distinguishes the steps in claim 1 and gives them utility as a method. If the intent was a method for performing a downhole operation with a screen then one would think there would be a step about running the screen in the hole. That is not the case here and this result is deliberate. The preamble is dovetailed to the claimed method. The focus is on how to build it and not how to deploy it. The preamble reinforces what the method covers and what the method does not cover. Contrary to the Examiner’s assertion, there is very much dependence for completeness between the two for the reasons explained above. For this independent reason, claim 1 is not anticipated by Echols and allowance of all claims is respectfully requested.

Respectfully submitted,

08/06/2007 \_\_\_\_\_  
Date

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